

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ABIGAIL PATRICIA WEST

v.

SYLVIA VANDERBILT, et al.

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NO. 3:21-00771

**TO: Honorable Waverly D. Crenshaw, Jr., Chief United States District Judge**

**REPORT AND RECOMMENDATION**

By Order entered November 2, 2021 (Docket Entry No. 5), this *pro se* civil rights case was referred to the Magistrate Judge for pretrial proceedings under 28 U.S.C. §§ 636(b)(1) (A) and (B), Rule 72 of the Federal Rules of Civil Procedure, and the Local Rules of Court.

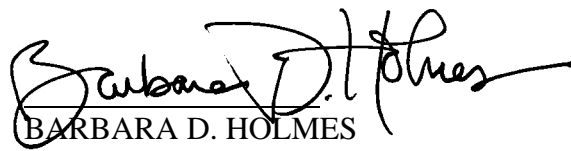
On December 23, 2021, Defendant Metropolitan Nashville Police Department (“MNPDP”) filed a motion to be dismissed from the case on the ground that it is not an entity capable of being sued. *See* Motion to Dismiss (Docket Entry No. 13). Plaintiff has filed a response to the motion. *See* Response (Docket Entry No. 19). Although Plaintiff contests and disputes statements that are contained in the “factual allegations” section of the memorandum filed by MNPDP in support of the motion, she asserts that the conclusions of law asserted by MNPDP are accurate and that she cannot in good faith make any opposition to the motion. *Id.* at 3.

## RECOMMENDATION

Accordingly, it is respectfully RECOMMENDED that the motion to dismiss (Docket Entry No. 13) be GRANTED and that Metropolitan Nashville Police Department be DISMISSED WITH PREJUDICE as a defendant in the case.

ANY OBJECTIONS to this Report and Recommendation must be filed within fourteen (14) days of service of this Report and Recommendation and must state with particularity the specific portions of this Report and Recommendation to which objection is made. *See* Rule 72(b)(2) of the Federal Rules of Civil Procedure and Local Rule 72.02(a). Failure to file written objections within the specified time can be deemed a waiver of the right to appeal the District Court's Order regarding the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Any response to the objections must be filed within fourteen (14) days after service of objections. *See* Federal Rule 72(b)(2) and Local Rule 72.02(b).

Respectfully submitted,

  
BARBARA D. HOLMES  
United States Magistrate Judge